

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

DOLORES (DEE) BARRETT,

*Plaintiff,*

V.

THE GREATER HATBORO CHAMBER  
OF COMMERCE, INC., JOHN J. (BUD)  
AIKEN, and MICKEY GLANTZ,

***Defendants.***

: CIVIL ACTION NO.  
: 02-cv-4421

## JURY TRIAL DEMANDED

## DEFENDANTS' MOTION TO PRECLUDE AN AWARD OF PUNITIVE DAMAGES

Defendants, The Greater Hatboro Chamber of Commerce, Inc., John J. (Bud) Aiken, and Mickey Glantz, by and through their counsel, Sidney L. Gold & Associates, P.C., hereby file Defendants' Motion to Preclude an Award of Punitive Damages. In support thereof, Defendants aver the following:

1. Plaintiff instituted the instant action in this Court on July 3, 2002.

Plaintiff's Complaint asserts a claim under the Pennsylvania Equal Rights Amendment to the Pennsylvania Constitution for sexual harassment and retaliatory discharge.

2. Plaintiff's Complaint includes a demand for punitive damages.

3. The Pennsylvania legislature has not provided for a recovery of punitive damages under the Pennsylvania Equal Rights Amendment to the Pennsylvania Constitution.

**WHEREFORE**, Defendants respectfully request that the Court preclude the Plaintiff from recovering punitive damages in this action.

Respectfully submitted,

SIDNEY L. GOLD & ASSOCIATES, P.C.

/s/ Sidney L. Gold, Esquire SG1387

SIDNEY L. GOLD, ESQUIRE

Identification No.: 21374

1835 Market Street, Suite 515

Philadelphia, PA 19103

(215) 569-1999

**Attorneys for Defendants**

Dated: September 9, 2005

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

DOLORES (DEE) BARRETT,

*Plaintiff,*

v.

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**JURY TRIAL DEMANDED**

**DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF THEIR  
MOTION TO PRECLUDE AN AWARD OF PUNITIVE DAMAGES**

**I. INTRODUCTION:**

Plaintiff instituted the instant action in this Court on July 3, 2002. Plaintiff's Complaint asserts a claim under the Pennsylvania Equal Rights Amendment to the Pennsylvania Constitution for sexual harassment and retaliatory discharge. Plaintiff's Complaint includes a demand for punitive damages. The Pennsylvania legislature has not provided for a recovery of punitive damages under the Pennsylvania Equal Rights Amendment to the Pennsylvania Constitution. Accordingly, the Court should grant the Defendants' Motion and preclude the Plaintiff from receiving an award of punitive damages.

**II. ARGUMENT:**

In Hoy v. Angelone, 554 Pa. 134; 720 A.2d 745 (1998), the Pennsylvania Supreme Court ruled that punitive damages are unavailable under the Pennsylvania Human

Relations Act. The court plainly stated, “In the absence of express statutory language or any further legislative guidance, we hold that punitive damages are not available under the [PHRA].” *Id.* at 751. See also Gagliardo v. Connaught Laboratories, Inc., 311 F.3d 565, 570 n. 3 (3<sup>rd</sup> Cir. 2002) (“Punitive damages are not available under the PHRA.”).

Analogous to the PHRA, in enacting the Pennsylvania Equal Rights Amendment to the Pennsylvania Constitution, the Pennsylvania legislature clearly did not explicitly authorize an award of punitive damages. As such, the Court should preclude the Plaintiff from recovering punitive damages in this case.

### **III. CONCLUSION:**

For the reasons set forth herein, the Court should grant the Defendants’ Motion and preclude the Plaintiff from recovering punitive damages in this case.

Respectfully submitted,

SIDNEY L. GOLD & ASSOCIATES, P.C.

/s/ Sidney L. Gold, Esquire SG1387

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